

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 01, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BRANDY C.,¹

Plaintiff,

v.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,
Defendant.

No. 4:21-cv-5029-EFS

**ORDER GRANTING THE PARTIES'
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C.
§ 405(g)**

On November 23, 2021, the parties filed a Stipulated Motion for Remand, ECF No. 25. The parties agree that the matter should be reversed and remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings as set forth below. The parties also agree that Plaintiff may file a motion seeking reasonable attorney fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

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¹ To protect the privacy of the social-security Plaintiff, the Court refers to her by first name and last initial or by "Plaintiff." See LCivR 5.2(c).

Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 25**, is
GRANTED.

2. Judgment shall be entered for **Plaintiff**.

3. This matter is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council is to instruct the ALJ to:

- Further evaluate all opinion evidence, including the unsigned opinion of Patricia Curtis, LMHC, and articulate the persuasive value of all opinions in accordance with the applicable regulations, explicitly addressing the factors of consistency and supportability.
- Reevaluate subjective complaints and reassess the claimant's residual functional capacity, as needed.
- Further develop the record, including offering a new hearing and issuing a new decision.

4. All pending motions are **DENIED AS MOOT**.

5. All hearings and other deadlines are **STRICKEN**.

6. If filed, the Court will consider Plaintiff's motion for fees and expenses under the Equal Access to Justice Act.

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1 7. The Clerk's Office is directed to **CLOSE** this file.

2 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
3 and provide copies to all counsel.

4 **DATED** this 1st day of December 2021.

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6 s/Edward F. Shea
7 EDWARD F. SHEA
8 Senior United States District Judge
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